

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JERRY SMITH,

Plaintiff,

-against-

9:04-CV-0542
(LEK/GHL)

GLENN S. GOORD, JR., Commissioner,
Department of Correctional Services;
MR. ACCIAVATTI, Education Director,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on June 28, 2005 by the Honorable George H. Lowe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York.

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," Fed. R. Civ. P. 72(b), in compliance with L.R. 72.1. In the interval of at least fifteen days since the Magistrate Judge filed the subject Report-Recommendation, no objections to it have been raised. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

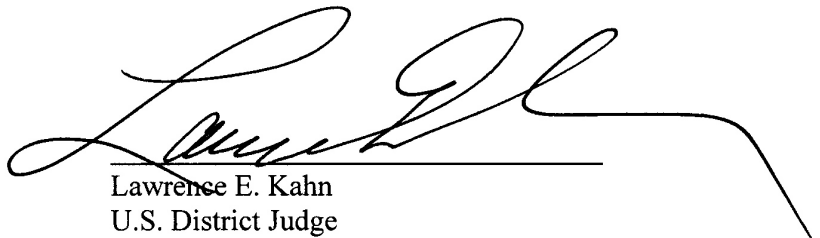
ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that the defendants' motion to dismiss with prejudice is **GRANTED** and plaintiff's complaint is **DISMISSED**; and it is further

ORDERED, that the Clerk serve a copy of this order on all parties.

IT IS SO ORDERED.

DATED: August 17, 2005
Albany, New York



Lawrence E. Kahn
U.S. District Judge